

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JEFFREY H.B. ALEXANDER,	)	
Deceased, by and through his personal	)	
Representative STEPHANIE L.	)	Case No. CV-18-82-GF-BMM
ALEXANDER, and STEPHANIE L.	)	
ALEXANDER, personal	)	
Representative, on behalf of the heirs	)	
Of JEFFREY H.B. ALEXANDER,	)	
	)	
Plaintiffs,	)	
v.	)	<b>ORDER DISMISSING CLAIMS</b>
	)	<b>FOR STRICT LIABILITY</b>
MONTANA-DAKOTA UTILITIES	)	<b>(ABNORMALLY DANGEROUS</b>
CO., a Delaware Corporation;	)	<b>ACTIVITY) AND EXPRESS</b>
and JOHN DOES I-X,	)	<b>WARRANTIES</b>
	)	
Defendants.	)	

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THIS COURT, having reviewed the parties, *Joint Motion to Dismiss Claims for Strict Liability (Abnormally Dangerous Activity) and Express Warranties* and good cause appearing therefor, hereby FINDS and ORDERS as follows:

1. The parties Joint Motion to is GRANTED.
2. Count 4 of Plaintiffs' Complaint asserts a claim for strict liability against MDU, asserting strict liability under the theories of strict products liability and strict liability for injuries resulting from carrying out an abnormally dangerous activity.

3. Count 5 of Plaintiffs' Complaint asserts a claim for breach of warranty, alleging breaches of both express and implied warranties.

4. Pursuant to the agreement of the parties, the portions of Counts 4 and 5 alleging claims for strict liability based upon abnormally dangerous activities and express warranties are DISMISSED, with prejudice, from Plaintiffs' Complaint and Demand for Jury Trial.

5. The portion of Count 4 for strict products liability for failure to warn and defective design, and the portion of Count 5 for implied warranties are unaffected by this Order.

Dated this 6th day of April, 2020.



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Brian Morris, Chief District Judge  
United State District Court